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July 26, 2011

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Anthony Barrow, 11 CR 165 (NGG)*

Your Honor:

Mr. Barrow pleaded guilty to escape. He is scheduled to be sentenced by this Court on Friday, July 29, 2011 at 10:30 a.m.

Mr. Barrow concurs with the probation department that the advisory guideline range is 3 to 9 months. On the scheduled sentencing date, Mr. Barrow will have been in custody on the instant charge for three months--his prior sentence terminated on April 29, 2011. *See PSR ¶3.* A sentence of time served is therefore appropriate pursuant to 18 U.S.C. § 3553(a).

Mr. Barrow makes the following corrections and clarifications to the PSR:

PSR ¶43, which lists Mr. Barrow's disciplinary history while in custody, paints an unwarranted portrait of Mr. Barrow as a malcontent. All but one or two of the listed infractions occurred while Mr. Barrow was in pretrial custody at the MDC for more than three years. The majority of the infractions involved "phone abuse" where Mr. Barrow called or attempted to call his family while his telephone privileges were suspended. Mr. Barrow objected to several findings of infractions and his appeals are pending.

PSR ¶74 indicates that Mr. Barrow was unemployed while at the halfway house. Mr. Barrow, working with a specialist at the halfway house, found a full-time job. Unfortunately, the job was in Mr. Barrow's old neighborhood and his presence there posed a danger so he could not remain at the position.

PSR ¶¶4 and 92 state that Mr. Barrow verbally threatened a staff member of the halfway house. Mr. Barrow did not directly threaten any person working at the halfway house. After being told that he would be discharged from the halfway house, Mr. Barrow went to his room to pack his things. Mr. Barrow was angry at the time and was "venting" to his roommate, however

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he did not communicate any threats to the staff of the halfway house.

Mr. Barrow left the halfway house after being told that he was being discharged for trying to bring a cell phone into the facility. It was not his intent to become a fugitive and he turned himself in to the Marshals 3 days later, after speaking to his probation officer. As a result of his intemperate action, Mr. Barrow had to serve the final three months of his prior sentence in the MDC instead of at the halfway house or on house arrest. Considering Mr. Barrow's timely and voluntary return to custody, the extra three months served in prison on his old sentence, and the guideline range of 3 to 9 months, a sentence of time served (which amounts to exactly three months) is appropriate.

Thank you for your attention to this matter.

Respectfully submitted,

Michael K. Schneider, Esq.
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cc: Clerk of the Court (by ECF)
Mr. Sean C. Flynn, Assistant U.S. Attorney
Ms. Mary Ann Betts, Senior United States Probation Officer
Mr. Anthony Barrow